

Regular Session, 2009

SENATE BILL NO. 163

BY SENATORS MARIONNEAUX AND CHEEK

TAX/INCOME/PERSONAL. Deletes a requirement that, to obtain the deduction for elementary and secondary school expenses, payments for school uniforms, certain instructional materials, and school supplies, the payment must be made to public schools; requires actual payment to obtain the deduction; and limits the deduction to \$5,000 per student. (gov sig)

AN ACT

To amend and reenact R.S. 47:297.10(A), 297.11, and 297.12, relative to individual income tax deductions for certain elementary and secondary school payments; to limit the deduction; to authorize a deduction for payments not made to a school; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:297.10(A), 297.11, and 297.12 are hereby amended and reenacted to read as follows:

§297.10. Tax deduction; elementary and secondary school tuition

A. There shall be allowed a deduction from tax table income for the sum of amounts paid ~~or incurred~~ during the taxable year by a taxpayer for tuition and fees required for a student's enrollment in a nonpublic elementary or secondary school which complies with the criteria set forth in *Brumfield, et al. v. Dodd, et al.* 425 F. Supp. 528 and Section 501(c)(3) of the Internal Revenue Code or to any public elementary or secondary laboratory school which is operated by a public college or university. The deduction authorized by this Section shall be equal to fifty percent of the actual amount of tuition and fees paid by the taxpayer per child ~~or~~, **but no**

more than five thousand dollars **of deduction** per child, ~~whichever is less~~ **may be allowed to one or more taxpayers.** The amount of the deduction authorized in this Section shall not exceed the total taxable income of the individual.

* * *

§297.11. Tax deduction; educational expenses for home-schooled children

There shall be allowed a deduction from tax table income for educational expenses ~~incurred~~ **paid** during the taxable year by a taxpayer for home-schooling children. The deduction authorized by this Section shall be equal to fifty percent of the actual amount of qualified educational expenses ~~incurred~~ **paid** by the taxpayer for the home-schooling of each child, ~~or, but no more than~~ five thousand dollars **of deduction** per child, ~~whichever is less~~ **may be allowed to one or more taxpayers.**

For purposes of this Section, qualified educational expenses shall include amounts expended for the purchase of textbooks and curricula necessary for home-schooling of each child. The amount of the deduction authorized by this Section shall not exceed the total taxable income of the individual.

§297.12. Tax deduction; fees and other educational expenses for a quality public education

A. There shall be allowed a deduction from tax table income for ~~the sum of fees or other~~ amounts paid during a tax year by a taxpayer ~~to~~ **for a quality education** ~~in~~ a public elementary or secondary school ~~for a quality education~~, which includes all of the following:

(1) Fees or other amounts paid to such schools.

~~(1)~~**(2)** The purchase of school uniforms required by such schools for general day-to-day use.

~~(2)~~**(3)** The purchase of textbooks, curricula, or other instructional materials required by such schools.

~~(3)~~**(4)** The purchase of school supplies required by such schools.

B.(1) The deduction authorized by this Section shall be equal to fifty percent of the actual amount paid by the taxpayer per student, ~~or~~ **but no more than** five

1 thousand dollars **of deduction** per student, ~~whichever is less~~ **may be allowed to one**
2 **or more taxpayers.**

3 (2) In addition, the amount of the deduction shall not exceed the total taxable
4 income of the individual.

5 Section 2. The provisions of this Act shall be applicable to amounts paid on and after
6 January 1, 2009.

7 Section 3. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Riley Boudreaux.

DIGEST

Present law provides a limited deduction from individual income tax for 50% of tuition, fees,
and other expenses paid on and after January 1, 2009 for students in public and private
elementary and secondary schools and for home-schooled children.

Present law requires payments for school uniforms, certain instructional materials, and
school supplies to be paid to public schools.

Proposed law deletes this requirement.

Present law limits all the deductions granted to the amount paid, or \$5,000 per child,
whichever is less.

Proposed law specifies that no more than \$5,000 of deduction per child may be allowed to
one or more taxpayers.

Present law allows the deduction for amounts "incurred."

Proposed law requires the amounts to be "paid" in order to be deductible.

Effective upon signature of the governor or lapse of time for gubernatorial action and
applicable to amounts paid on and after January 1, 2009.

(Amends R.S. 47:297.10(A), 297.11, and 297.12)